

Remarks/Arguments:

Claims 1-39 are pending in the application. Claims 40-41 are canceled. Claims 1-39 stand rejected.

The Examiner objects to the drawings as failing to comply with 37 CFR 1.84(p)(5) because (1) reference number 80 is discussed in the description, but not in the drawings, and (2) reference number 42 is included in the drawings, but not in the description. Replacement Sheets for Figures 3 and 4 are attached hereto. In particular, Figure 4 has been revised to include reference number 80 and Figure 3 has been revised to remove reference number 42.

Claim 27 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. In particular, in Claim 27 there is insufficient antecedent basis for "said plurality of strainer assemblies." Claim 27 is amended herein to overcome this rejection.

Claims 16, 20-21, 24-33, 35, 37, and 39 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,958,234 to Dwyer et al.

Claims 1-4 and 6-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dwyer et al. in view of Merrett and U.S. Patent No. 5,759,398 to Kielbowicz. Claims 5 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dwyer et al. in view of Merrett and in view of Kielbowicz, and further in view of U.S. Patent No. 3,438,505 to Luthi. Claims 17, 18, 34, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dwyer et al. in view of Luthi. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dwyer et al. in view of Kielbowicz. Claims 22-23 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dwyer et al. in view of U.S. Patent No. 5,935,439 to Hart et al.

Examiner's Rejection of Claims 16, 20-21, 24-33, 35, 37, and 39 Under 35 U.S.C. 102(b) Should Be Withdrawn Because Dwyer et al. Does Not Disclose Each and Every Element of the Claimed Invention

Both the Patent Office and CAFC (formerly the CCPA) have historically required that a single reference teach each and every element of the claim. That requirement is clear and unequivocal. Atlas Powder v. I.E. DuPont, 750 F.2d 1569, 224 USPQ 409 (CAFC 1984); James Bury Corp. v. Litton Industrial Products, 750 F.2d 1556, 225 USPQ 253 (CAFC 1985).

Claims 16, 24, and 37, as amended, each require a strainer assembly having a plurality of flow control apertures, wherein the plurality of flow control apertures extend radially outward from a primary opening in the strainer body. Further, each of Claims 16, 24, and 37, as amended, require that the areas of selected ones of the plurality of flow control apertures increases distally from the primary opening. Dwyer et al. lacks both of these limitations. Lacking these limitations, the Examiner's rejections of independent Claims 16, 24, 37, and Claims 20-21, 25-33, 35, and 39 depending therefrom, under 35 U.S.C. 102(b) must be withdrawn.

**Dwyer et al, Merrett, and Kielbowicz Also Fail To Teach All of the Limitations of the
Claimed Invention**

It is the burden of the Examiner to establish a *prima facie* case of obviousness when rejecting claims under 35 U.S.C. §103. In re Reuter, 651 F.2d 751, 210 USPQ 249 (CCPA 1981). To establish the *prima facie* obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). The CAFC (and the CCPA before it) also have repeatedly held that, absent a teaching or suggestion in the primary reference for the need, arbitrarily modifying of a primary reference or combining of references is improper. The ACS Hospital Systems, Inc. v. Montefiore Hospital, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984). In re Gieger, 815 F.2d 686, 688, 2 USPQ2d 1276, 1278 (Fed. Cir. 1987).

As discussed above, Dwyer et al. lacks a strainer assembly having a plurality of flow control apertures, wherein the plurality of flow control apertures extend radially outward from a primary opening in the strainer body. Dwyer et al. further lacks a plurality of flow control apertures wherein the areas of selected ones of the plurality of flow control apertures increase distally from the primary opening.

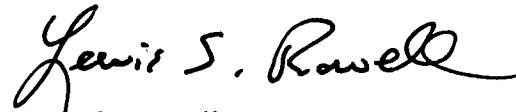
While Merrett teaches a pattern of flow apertures having different areas, Merrett also lacks a plurality of flow control apertures that extend radially outward from a primary opening in the strainer body. Rather, Merrett teaches a substantially different configuration to provide for a uniform fluid flow along the length of a suction pipe, and not across the wall of a strainer body. That is, Merrett is addressing a different problem.

Finally, Kielbowicz also lacks the same limitations as Dwyer et al.; i.e., (1) a strainer assembly having a plurality of flow control apertures, wherein the plurality of flow control apertures extend radially outward from a primary opening in the strainer body, and (2) a plurality of flow control apertures wherein the areas of selected ones of the plurality of flow control apertures increase distally from the primary opening.

Alone, or in combination, Dwyer et al., Merrett, and Kielbowicz cannot properly form the basis for a rejection under 35 U.S.C. 103(a). Applicant respectfully submits that the Examiner's rejections should be withdrawn.

Based upon the amendments to the pending claims and the above Remarks, Applicants respectfully submit that the application is now in condition for an immediate allowance, and such action is requested. If any matter remains unresolved, Applicants' counsel would appreciate the courtesy of a telephone call to resolve the matter.

Respectfully submitted,



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Appendix

Replacement Sheets for Figures 3 and 4 are attached.